

1 Patrick D. Robbins (State Bar No. 152288)  
Emily V. Griffen (State Bar No. 209162)  
2 SHEARMAN & STERLING LLP  
535 Mission Street, 25th Floor  
3 San Francisco, CA 94105  
Telephone: (415) 616-1100  
4 Facsimile: (415) 616-1199  
Email: probbins@shearman.com  
5 egriffen@shearman.com

6 *Attorneys for Defendant Erik K. Bardman*  
7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 SECURITIES AND EXCHANGE COMMISSION,  
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14 Plaintiff,

15 v.

16 ERIK K. BARDMAN and  
JENNIFER F. WOLF,

17 Defendants.  
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**STIPULATION AND ~~PROPOSED~~  
ORDER LIFTING DISCOVERY  
DEADLINES FOR CERTAIN  
DEPOSITIONS**

Case No. 3:16-cv-02023 (JST)

Judge: Hon. Jon S. Tigar

1 WHEREAS, with the assistance of Magistrate Judge Corley, the Securities and  
2 Exchange Commission Division of Enforcement (“SEC”) and Defendant Erik Bardman have  
3 reached a settlement agreement in principle, and signed a term sheet outlining settlement terms (the  
4 “Bardman Settlement Agreement”) (Dkt. No. 79);

5 WHEREAS, the close of fact discovery is currently set for February 15, 2018  
6 (Dkt. No. 75);

7 WHEREAS, the SEC and defendants Erik K. Bardman and Jennifer F. Wolf  
8 (“Defendants” and, together with the SEC, the “Parties”) have been diligently pursuing various  
9 forms of discovery, including requests for documents and depositions;

10 WHEREAS, as a result of the Bardman Settlement Agreement, the Parties have  
11 agreed to take certain depositions off calendar, specifically the depositions of Mr. Bardman, Jeffrey  
12 Shotts, Barbara McKee, Joseph Greenhalgh, Abhishek Maheshwari, Werner Heid, Michael Culver,  
13 Didier Hirsch, and Guerrino De Luca (the “Off-Calendar Depositions”);

14 WHEREAS, the Parties have agreed to lift the fact discovery deadline to the extent  
15 that it may be necessary to reschedule the Off-Calendar Depositions to a later date, and agree to  
16 expressly waive any timeliness objections they may have in the event that any of the Off-Calendar  
17 Depositions are subsequently rescheduled and taken after the fact discovery deadline. At Judge  
18 Corley’s suggestion, the Parties therefore respectfully submit this Stipulation and Order formalizing  
19 their agreement to so lift the fact discovery deadline, once again leaving all other dates set by the  
20 Court, including those for motions and trial, unchanged;

21 IT IS THEREFORE STIPULATED AND AGREED, by and between the attorneys  
22 for Plaintiff and the attorneys for Defendants, with the Court’s permission, as follows:

23 1. The February 15, 2018, fact discovery deadline shall be lifted for the Off-  
24 Calendar Depositions.

25 2. The Parties will be permitted to reschedule any of the Off-Calendar  
26 Depositions after the fact discovery deadline if needed, and the Parties expressly waive any  
27 timeliness objections they may have in the event that any of the Off-Calendar Depositions are  
28 subsequently rescheduled and taken after the fact discovery deadline.

3. All other dates and deadlines in the Scheduling Order, including the May 15, 2018 deadline for dispositive motions and the September 17, 2018 trial date, remain unchanged.

Dated: February 2, 2018

**SECURITIES AND EXCHANGE COMMISSION**

By: /s/  
Kevin C. Lombardi

Paul W. Kisslinger (New Jersey Bar No. 6511995)  
kisslingerp@sec.gov  
Kevin C. Lombardi (District of Columbia Bar No. 474114)  
lombardik@sec.gov  
100 F Street, NE  
Washington, DC 20549  
Ph: (202) 551-4427  
Fax: (202) 772-9772

*Attorneys for Plaintiff Securities and Exchange Commission*

Dated: February 2, 2018

**SHEARMAN & STERLING LLP**

By: /s/  
Patrick D. Robbins

535 Mission Street, 25th Floor  
San Francisco, CA 94105  
Ph: (415) 616-1100  
Fax: (415) 616-1199

*Attorneys for Defendant Erik K. Bardman*

Dated: February 2, 2018

**KANE+KIMBALL LLP**

By: /s/  
William H. Kimball

William H. Kimball (State Bar No. 242626)  
wkimball@kanekimball.com  
803 Hearst Avenue  
Berkeley, CA 94710  
Ph: (510) 704-1400  
Fax: (877) 482-4749

*Attorneys for Defendant Jennifer F. Wolf*

**ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each signatory.

Dated: February 2, 2018

**SHEARMAN & STERLING LLP**

By:                     /s/                      
Patrick D. Robbins

*Attorneys for Defendant Erik K. Bardman*

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IT IS SO ORDERED.

Dated: February 5, 2018

  
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Hon. Jon S. Tigar  
United States District Judge